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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,391	01/06/2004	William A. Allen	02103-581001 / AABOSW35	3571
26162 7590 01/26/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/752,391	Applicant(s) ALLEN ET AL.	
	Examiner Vernal U. Brown	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This action is responsive to communication filed on October 27, 2006.

#### ***Response to Arguments***

Applicant's arguments, see Appeals Brief, filed October 27, 2006, with respect to Claims 1-16 have been fully considered and are persuasive. The rejection of claims 1-16 has been withdrawn.

#### ***Claim Objections***

Claim 3 is objected to because of the following informalities: Claim 3 recites the limitation "multimedia-system" . There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 8-10, and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernier US Patent Application Publication 20040040039.

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Regarding claim 1, Bernier teaches providing the user of a control device (remote control), an indication of a value (channel number shown in banner 740 in figure 7) currently representative of a preset sound source (channel) and simultaneously providing an indication of a new value of the preset representative of a different sound signal source (the channel numbers shown in banner (780) (paragraph 055-056).

Regarding claim 2, Bernier teaches the preset is associated with multimedia system (figure 7).

Regarding claim 3, Bernier teaches the multi-media system comprises an audio system (paragraph 055).

Regarding claim 4, Bernier teaches the indication comprises graphical items such as numbers on the display (figure 7).

Regarding claim 6, Bernier teaches the user confirms the new preset value by selecting a channel number displayed on the screen using the select button (paragraph 45).

Regarding claim 8, Bernier teaches the value comprises an identifier of a station (paragraph 055).

Regarding claim 9, Bernier teaches enabling a user of a remote control to indicate possible new value of a preset by selecting a channel listed in area 780 of the display screen and the selected channel changes the operation of the TV by causing the new program selected to be displayed in area 710 of the display (paragraph 055). The user of the control device is further allowed to add the select channel to the list of favorite channel and is required to confirm the channel to the list of favorite channel (paragraph 082). The operation of the second device (TV) is changed before confirming the new preset favorite channel.

Regarding claim 10, Bernier teaches the value comprises an identifier of a station (paragraph 055).

Regarding claim 12, Bernier teaches the sound signal source comprises the movie (item to be performed) to shown (figure 7)

Regarding claim 13, Bernier teaches providing the user of a control device (remote control), an indication of a values of recently invoke presets such as the channel number shown in banner 740 and channel number shown in banner 710 (paragraph 055). The channel number is representative of a sound signal source.

Regarding claim 14, Bernier teaches selecting a channel listed in area 780 of the display screen and the selected channel changes the operation of the TV by causing the new program selected to be displayed in area 730 of the display (paragraph 056).

Regarding claim 15, Bernier teaches displaying values of possible selection of sound signal sources at one level of a hierarchy values by displaying a list of favorite channel category (figure 16) and enabling a user to select one of the values at the one level of the hierarchy, and while at least a portion of the one level of the hierarchy is displayed (figure 19A), showing possible selections at a second, lower level of the hierarchy that correspond to the one of the values selected by the user, at least another portion of the one level being obscured (paragraph 073-074).

Regarding claim 16, Bernier teaches displaying an identification of the level of the hierarchy (favorite channel categories) currently displayed 9figure 18).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernier US Patent Application Publication 20040040039 in view of Allport US Patent 6104334.

Regarding claim 5, Bernier teaches the display is provided by the television (figure 7) and is silent on teaching the display is part of the control device. Allport in an art invention in the same field of endeavor of remote control teaches the control device (10) providing a displaying current preset of a sound source (figure 5).

It would have been obvious to one of ordinary skill in the art to modify the remote control system of Bernier as disclosed by Allport because this allows the remote control functions without directly interfacing with the television screen and further extending the reach of the remote control.

Regarding claim 7, Bernier teaches the control device communicate with the television (second device) to effect the new preset value (paragraph 061).

Regarding claim 11, Bernier teaches an audio sound source (paragraph 055) but is silent on teaching the station comprises a radio station and another device comprises a radio receiver. Allport in an art invention in the same field of endeavor of remote control teaches the sound source is a radio broadcast (col. 27 lines 1-15) and a radio receiver is inherently used to reproduce the broadcast sound from a radio station.

It would have been obvious to one of ordinary skill in the art to modify the remote control system of Bernier as disclosed by Allport because a radio station is a sound source use to broadcast audio signal to a radio receiver.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Vernal Brown

January 10, 2007



WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600